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difficulties or practical embarrassments in its operations after the codification for the whole executive and administrative branch is published; and (4) the submission of the whole completed code of executive and administrative rules and

orders to the President in accurate, complete, and usable form, ready for printing, within the time limit prescribed in the Act of Congress;

Therefore, pursuant to the authority contained in Section 11 (d) of the Federal Register Act, as amended by the Act of June 19, 1937 (Pub. No. 158, 75th Cong.), the Administrative Committee of the Federal Register hereby prescribes, with the approval of the President, the following regulations to govern the preparation (including form, style, arrangement, and indexing) and submission of the codes required to be submitted thereunder.

### TITLE I. CODIFICATION OF EXECUTIVE OR ADMINISTRATIVE DOCUMENTS

#### *Chapter I. Definitions*

SEC. 1. As used herein, unless the context otherwise requires,

PAR. a. *Act*.—The term "act" means the Federal Register Act, approved July 26, 1935 (49 Stat. 500) as amended by the Act of June 19, 1937 (Pub. No. 158, 75th Cong.).

PAR. b. *Document*.—"The term 'document' means any Presidential proclamation or Executive order, and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by a Federal agency" (Sec. 4 of the act) and of "general applicability and legal effect" which is "in force and effect and relied upon by such agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities" (Sec. 11a of the act).<sup>1</sup>

PAR. c. *Agency or Federal Agency*.—The terms "Federal agency" or "agency" mean "the President of the United States, or any executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States, but not the legislative or judicial branches of the Government" (Sec. 4 of the act).

PAR. d. *Committee or Administrative Committee*.—The terms "Committee" or "Administrative Committee" mean the Administrative Committee of the Federal Register established under Section 6 of the act.

PAR. e. *Secretary*.—The term "Secretary" means the Secretary of the Administrative Committee.

PAR. f. *Board and Chairman*.—The term "Board" means the "Codification Board" established under Section 11 of the act, and the term "Chairman" means the Chairman of the Codification Board by virtue of his office as Director of the Division of the Federal Register, The National Archives.

#### *Chapter II. Preparation, Submission and Certification by Agencies*

##### *Part A. Contents of Codifications*

SEC. 2. *Nature of the codification*.—"Codification" as ordinarily used in the United States and as intended in the act and these regulations means the collection of all documents and their orderly and systematic arrangement, with all obsolete and repealed matter eliminated and all new matter or amendments incorporated in their appropriate sections or paragraphs, so that the whole may be republished as one simultaneously issued document.<sup>2</sup>

<sup>1</sup> See also Chapter II, Sec. 5, *infra*.

<sup>2</sup> "The word 'codification' is not intended to lay down rigid requirements. It means an orderly presentation of 'documents' brought up to date in the form best adapted to usefulness as tested by the experience of the agency. Thus, if there have been a series of amendments to a regulation, the minimum requirement would be a rewriting of such regulation, eliminating from its text obsolete provisions, and inserting therein new matter. If a regulation is already in such form, the agency may in its discretion deem further codification unnecessary, even though the inclusion of various regulations in that form may involve some repetition of provisions common to two or more of them."

"If a regulation has never been set forth by the agency in an orderly and easily available form, the amendment would require that this be done. In many cases an adequate codification would also require the systematizing of regulatory material according to subject matter." House Report 478, 75 Cong. 1 Sess.

**SEC. 3. Revisions.**—The complete revision or restatement of documents, either in their language or substance, is not necessarily contemplated, although agencies are free to do so provided such work may be completed and the revision made effective not later than June 1, 1938. On the other hand, portions of documents consisting of extensive quotation of statutory provisions, with or without quotation marks, should be excluded.

**SEC. 4. Completeness.**—Main emphasis should be laid upon completeness and accuracy rather than form, since the act requires a "complete" codification of "all" documents (Sec. 11a of the act) and obviously the omission of material which should be included will lessen the legal effect as well as the practical value of each codification and will prove confusing and embarrassing to the agency in its future work.

**SEC. 5. Present general applicability and legal effect.**—Each agency should keep constantly in mind the fact that the codifications are to include only documents which are (I) currently "in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities", and also (II) "of general applicability and legal effect". Without attempting to set forth all applications of present "general applicability and legal effect", the phrase means all documents (1) prescribing a penalty (Sec. 5 (a) (3) of the act), conferring rights, privileges, authority, or immunities, or imposing obligations, and (2) currently relevant or applicable to the general public, the members of a class, or the persons of a locality, as distinguished from named individuals or organizations. In short, such documents must be of "public" as distinguished from "private" import, as generally exemplified in the classification of laws in the Statutes at Large into "Public Laws" and "Private Laws", and in the regulations approved by the President respecting the type of matter to be published in the Federal Register.<sup>2</sup> More particularly, the following types of documents require special treatment:

**PAR. a. Internal administration.**—Those documents or parts of documents "effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof" shall not be included (Cf. Sec. 5 (a) (1) of the act); but documents or portions thereof prescribing intra-departmental procedure which the public should know or follow in dealing with an agency shall be included.

**PAR. b. Administrative decisions.**—The decisions of executive or administrative agencies, made upon hearing or otherwise and applicable only to named parties, unless also promulgated as formal and general rules, shall not be included, although upon analogy with judicial decisions they may be said to form a body of rules or principles in which the public or a class may be interested.

**PAR. c. Repealed or superseded matter.**—No obsolete, repealed, or superseded matter should be included even though it might be called in question or become relevant in cases arising under past states of fact. In short, the term "in force or effect and relied upon by the agency as authority for, or invoked by it in the discharge of, any of its functions or activities" means *present* activities under the *latest* statutes or regulations on the same subject matter. Thus, regulations under old tax statutes should be excluded, except as they are applicable to current taxation.<sup>3</sup>

<sup>2</sup>"As the President has for purposes of the daily issues determined the classes of documents having general applicability and legal effect, the several agencies would in general be guided by that determination in selecting the kinds of material for inclusion in the codification." House Report 478, 75 Cong. 1 Sess. See the last revision of "Regulations Prescribed by the Administrative Committee of the Federal Register with the Approval of the President", The National Archives (Published in pamphlet form by the Government Printing Office and in the Federal Register for Jan. 12, 1937).

<sup>3</sup>"Regulations, under acts of Congress which have been repealed or superseded, for instance, would presumably be found no longer to have 'general applicability', even though a few cases arising under them still remain open." House Report 478, 75 Cong. 1 Sess.

**PAR. d. Documents referring to public lands.**—Where there are masses of documents referring to public lands, the agency concerned should consult with representatives of the Board before attempting a codification of such documents, in order that special rules may be formulated.

**SEC. 6. Other information to be included.**—In addition to the text of all documents, each document, or section or paragraph of the codification, should have noted at the bottom thereof the following:

**PAR. a. Authority on which based.**—The authority (statute, order, proclamation, or otherwise) for the issuance of each document which is embodied in a section of the code shall be cited in parenthesis at the end of each section or paragraph. This citation should include (a) the specific authorization, if any, for the issuance of regulations, and (b) if possible, the statutory provisions interpreted or applied by the section. Citations, as nearly as possible, should be in the following form:

*Statutes*—

"(Sec. 6, 49 Stat. 501; 44 U. S. C. 306)"

Where statutes are cited, the United States Code citations should be given as well as the Statutes at Large. Only the section number and page or pages of the Statutes at Large on which the authority for the regulation appears should be given, rather than the first page of the statute or the chapter; and in citing the United States Code, the 1934 edition should be used and only the title number and the section number (and subsection number or letter, if any) should be given, separated by "U. S. C."

*Proclamations*—

"(Pres. Proc. 2256, Oct. 12, 1937.)"

"(Proc., Sec. Ag., April 3, 1936.)"

*Executive orders*—

"(Ex. Order 7298, Feb. 18, 1936.)"

*Administrative orders*—

"(Adm. Order 145, R. E. A., Oct. 5, 1937.)"

*Treaty*—

"(Par. 21, Art 22. General Radio Regulations annexed to International Telecommunication Convention, Proclaimed by President, June 27, 1934, 49 Stat. 2391.)"

**PAR. b. Citation of sources.**—At the end of each section or paragraph, (1) the official designation or type of original document (Executive Order, Administrative Order, Memorandum, Bulletin, etc.) from which the text of section or paragraph originally formed a part and is taken, together with (2) the date of its adoption and (3) the title of the officer, board or commission issuing the same, unless the issuing agency is the same as the agency named in the "Title" of the codification, and (4) the same information with respect to all amendments thereto, shall be cited in brackets immediately following the citations of authority on which the documents are based—in the following form:

*Executive orders (President)*—

"[Ex. Order 7298, Feb. 18, 1936.]"

*Regulations (Veterans' Administration and Bureau of Internal Revenue)*—

"[Reg. R-1001 (K), V. Ad., Oct. 14, 1937.]"

"[Reg. 100, Art. 603, Bu. Int. Rev., Oct. 12, 1937.]"

*Bulletins (Agricultural Adjustment Administration)*—

"[SR-Bull.-1, A. A. A., March 20, 1936.]"

*Orders (Federal Communications Commission)*:

"[Order 17-A, F. C. C., Sept. 29, 1937.]"

*Rules (Securities and Exchange Commission)*—

"[Rule 3D8, S. E. C., Oct. 4, 1937.]"

*Circulars (Treasury)*—

"[Dept. Circ. 570, Sec. Treas., Oct. 11, 1937.]"

**PAR. c. Explanatory material or references.**—Any other material which the agency deems necessary by way of explanation or reference may be submitted in the form of footnotes.

<sup>2</sup>See Ch. III, Part B, Sec. 1, Par. 1, *infra*.

**PAR. d. Decisions and interpretations.**—Since the act has not required the submission of "annotated" codifications and since an attempt to do so would make codification impossible for many agencies in the time available, decisions of executive or administrative agencies, construing or applying documents, but which do not have the effect of a formal amendment of the text, and judicial opinions referring to documents shall not be cited except in unusual circumstances and then only in the form of explanatory footnotes.

#### Part B. Liaison and Cooperation with Board

**SEC. 7. Codification committees in agencies.**—In the execution of the codifications within the short time prescribed by Congress, it is indispensable that each agency set up an organization for the preparation of its codification. In order that the Board may deal with each agency from day to day, a responsible person of legal training or knowledge, such as the solicitor or general counsel for the agency, should be placed in charge of the codification in each agency, with assistants drawn from the several units of the agency. Agencies, with extended functions and organization, should set up in effect their own codification committees. The Codification Board at the Department of Justice shall be informed of the codification organization and plans of each agency at once.

**SEC. 8. Cooperation with Board.**—The several members of the Board will be individually assigned to the several agencies, to effect an immediate and continuous liaison between the Board and the several agencies, so that there may be mutual information, advice, and suggestions and the problems of the separate agencies may be presented to the Board for prompt and early decision.

#### Part C. Preliminary Submission of Codifications

**SEC. 9. Early submission of portions of codifications.**—While the act does not require the submission of the completed codifications by the several agencies until July 1, 1938 (Sec. 11a of the act), it is indispensable that the Codification Board receive units or parts of the codifications of each agency from time to time so that the work of arranging the code for the entire executive and administrative branch of the government may proceed immediately. Such partial codifications, so submitted, may be those of separate units or functions within an agency. Through this method of procedure, the complete codification for each agency may proceed by stages, the simpler and less extensive parts of the codification being submitted first. Both the agency and the Board will thus be afforded an opportunity to perfect form and arrangement prior to the final submission of the full codification for each agency.

**SEC. 10. Resubmission.**—Partial codifications, submitted as suggested in the preceding section, should be reasonably final but will not bind the agency and will be resubmitted to the agency for final approval and certification as herein-after provided.

#### Part D. Transmission, Certification, and Final Submission of Codifications

**SEC. 11. Preliminary or partial submissions.**—Where preliminary or partial codifications are submitted in accordance with Part C, above, they should be accompanied by a letter setting forth (1) the nature of the matter submitted, (2) its relation to the other portion of the codification being prepared by the agency, and (3) any questions or problems in connection therewith which the agency desires to submit to the Board.

**SEC. 12. Final submission and certification.**—Between June 1 and July 1, 1938, each agency must submit in final form its codification (Sec. 11a of the act), to each copy of which shall be attached a certificate signed by the chief authority of the submitting agency (with the seal, if any, affixed), in the following language:

#### Certificate

It is hereby certified that the attached document is a complete codification of all documents which, in the opinion of this agency, have general applicability and legal effect and which have been issued or promulgated by this agency and were in force and effect and relied upon by this agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities on June 1, 1938:

**SEC. 13. To whom submitted.**—All material submitted shall be addressed and delivered to

Secretary of the Administrative Committee,  
c/o Codification Board,  
Department of Justice,  
Washington, D. C.

#### Chapter III. Form, Style, and Arrangement

##### Part A. Physical Format

**SEC. 14.** The partial and final codifications submitted shall conform to the following:

**PAR. a. Number of copies.**—Three copies shall be submitted.

**PAR. b. Size of paper.**—Only letter size paper (approximately 8½x10 or 11 inches) shall be used, and the material shall be placed thereon parallel with the long side of the sheet so that the individual sheets may be conveniently handled and filed, and in order to leave a maximum of margins for notes and corrections or insertions.

**PAR. c. Contents and numbering of pages.**—Not more than one section, subsection, or numbered paragraph shall be placed on one page, and the pages shall be numbered consecutively in Arabic numerals.

**PAR. d. Typing.**—All matter shall be legibly typewritten, mimeographed, or printed, except that material already in such form may be cut and pasted on pages of the prescribed size in order to save time and eliminate typing and the errors often consequent therein, and in such cases corrections may be made in ink or by typewriter in the margins or by interlineation and striking out.

**PAR. e. Forms—Illustrations and diagrams.**—Ordinarily, forms should not be incorporated in the codifications. Illustrations shall not be incorporated in the code as a part of a document unless publication is essential in the public interest. In cases where an illustration was incorporated as a part of a document which has been issued and amended prior to June 1, 1938, and the publication of the illustration is essential, a new illustration including the necessary changes to conform to the amendments shall be prepared and forwarded with the codified document. Illustrations accompanying codes, when published, shall be reduced to page size and be line-cuts only. Copy for illustrations, preferably tracings on linen, must be securely attached to the part of the code which incorporates such illustration.

##### Part B. Arrangement

**SEC. 15. System of heading and numbers.**—As stated above, main emphasis should be laid upon the completeness of the collection of documents which comprise the codification of each agency rather than revisions in form or substance. However, it will be necessary for each agency to assemble the whole of its codification according to some system of headings and numbers. Similarly, it will be necessary for the Board to assemble the codifications of all the agencies in order to produce the complete codification required by the act (Sec. 11a of the act). While considerable latitude is necessarily given each agency in determining the headings, headnotes, and numbering of its codification, the following should be followed as nearly as practicable:

**PAR. a. Titles, chapters, etc.**—The final and complete codification, comprised of the codification of all the agencies, will be submitted to the President by the Administrative Committee in the following form (as exemplified in the form

of these regulations), so far as practicable and adaptable to each agency:

1. "*Titles*", numbered in Arabic and preceded by the word "Title", will be assigned to each agency by the Board, and these will constitute the major units of the complete codification; such assignments of "titles" will be made in the following order: (1) the President of the United States; (2) the Executive departments, in the order of their precedence; (3) all other Federal agencies, listed in alphabetical order by their official titles.

I. "*Chapters*", numbered in Roman and preceded by the word "Chapter", should be assigned to each division, bureau, or unit of each agency, within its "title";

A. "*Parts*", differentiated by capitals and preceded by the word "Part", will be used, where necessary or convenient, to indicate the major divisions of "Chapters";

1. "*Sections*", numbered in Arabic and preceded by "Sec.", will be the normal unit within "Chapters" or "Parts";

a. "*Paragraphs*", differentiated in lower case letters of the alphabet and preceded by "Par.", will be the subdivisions of "Sections" where necessary.

PAR. b. *Headings of titles, chapters and parts.*—Each title, chapter, and part shall have a heading. Titles will be headed by the official name of the agency to which it is assigned, as for example:

"TITLE I. THE PRESIDENT OF THE UNITED STATES"

Chapters will be headed by the official title of divisions, bureaus, or units, as for example:

"Chapter II. Bureau of Agricultural Economics"

PAR. c. *Headnotes to sections and paragraphs.*—Sections and paragraphs shall have headnotes in the style now in use in the United States Code, as for example:

SEC. 3. *Notice of Application; Service; Order for Taking.*—Reasonable notice of not less than ten days, and when the deposition is to be taken in a foreign country, of not less than fifteen days, must first be given in writing. \* \* \*

SEC. 16. *Table of contents; indexing.*—Each submission of a partial or final codification shall be accompanied by a table of contents in outline form, giving the titles, chapters, parts, sections, and paragraphs, together with their numbers, headings, and headnotes; but no index need be prepared, since the indexing for the entire codification for all agencies must necessarily be done by the central codification organization according to one system.

SEC. 17. *Joint regulations.*—Whenever officers of two or more Federal agencies have joint power to issue documents, or whenever regulations issued by one officer affect two or more subdivisions of one agency, the question of location of the joint regulations within the codifications involved should be submitted to the Board in order to assure uniformity of treatment.

Part C. Style

SEC. 18. *Abbreviations.*—Each agency shall cooperate with the Board in settling the abbreviations peculiar to, and to be used by, the agency in order that there may be no confusion of abbreviations as between agencies and so that identical matter will be cited by different agencies according to the same abbreviations.

SEC. 19. *Style manual.*—Punctuation, capitalization, orthography, and other matters of style should conform, so far as possible and practicable, to the most recent edition of the Style Manual of the United States Government Printing Office. The spelling of geographic names shall conform to the most recent decisions of the United States Geographic Board made pursuant to Executive Orders, No. 27-A of September 4, 1890, No. 399 of January 23, 1906, and No. 6680 of April 17, 1934.

SEC. 20. *Descriptions of tracts of land.*—Descriptions of tracts of land shall conform, so far as practicable, with the most recent edition of the Specifications for Descriptions of Tracts of Land for Use in Executive orders and Proclama-

tions, issued by the Board of Surveys and Maps of the Federal Government.

*Chapter IV. Miscellaneous*

SEC. 21. *Effective date of regulations.*—The foregoing regulations, subject to amendment or amplification, shall be effective immediately upon the approval of the President.

SEC. 22. *Official mail.*—All official mail on matters arising under Section 11 of the act or these regulations should be addressed to:

The Chairman, Codification Board,  
Department of Justice,  
Washington, D. C.

SEC. 23. *Publication of regulations.*—The foregoing regulations shall be printed in the Federal Register; and there shall be appended thereto a copy of the Federal Register Act, as amended, with pertinent portions italicized.

ADMINISTRATIVE COMMITTEE OF  
THE FEDERAL REGISTER.

By R. D. W. CONNOR, Chairman.

Approved.

FRANKLIN D ROOSEVELT

The White House, November 10, 1937.

[F. R. Doc. 37-3289; Filed, November 11, 1937; 11:25 a. m.]

FEDERAL REGISTER ACT

PUBLIC NO. 220, 74TH CONGRESS (49 STAT. 500-503), AS AMENDED  
BY PUBLIC NO. 158, 75TH CONGRESS

AN ACT

To provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Archivist of the United States, acting through a division established by him in the National Archives Establishment, hereinafter referred to as the "Division", is charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published under section 5. There shall be at the head of the Division a director, appointed by the President, who shall act under the general direction of the Archivist of the United States in carrying out the provisions of this Act and the regulations prescribed hereunder, who shall receive a salary, to be fixed by the President, not to exceed \$5,000 a year.

SEC. 2. The original and two duplicate originals or certified copies of any document required or authorized to be published under section 5 shall be filed with the Division, which shall be open for that purpose during all hours of the working days when the Archives Building shall be open for official business. The Director of the Division shall cause to be noted on the original and duplicate originals or certified copies of each document the day and hour of filing thereof: Provided, That when the original is issued, prescribed, or promulgated outside of the District of Columbia and certified copies are filed before the filing of the original, the notation shall be of the day and hour of filing of the certified copies. Upon such filing, at least one copy shall be immediately available for public inspection in the office of the Director of the Division. The original shall be retained in the archives of the National Archives Establishment and shall be available for inspection under regulations to be prescribed by the Archivist. The Division shall transmit immediately to the Government Printing Office for printing, as provided in this Act, one duplicate original or certified copy of each document required or authorized to be published under section 5. Every Federal agency shall cause to be transmitted for filing as herein required the original and the duplicate originals or certified copies of

all such documents issued, prescribed, or promulgated by the agency.

SEC. 3. All documents required or authorized to be published under section 5 shall be printed and distributed forthwith by the Government Printing Office in a serial publication designated the "Federal Register." It shall be the duty of the Public Printer to make available the facilities of the Government Printing Office for the prompt printing and distribution of the Federal Register in the manner and at the times required in accordance with the provisions of this Act and the regulations prescribed hereunder. The contents of the daily issues shall be indexed and shall comprise all documents, required or authorized to be published, filed with the Division up to such time of the day immediately preceding the day of distribution as shall be fixed by regulations hereunder. There shall be printed with each document a copy of the notation, required to be made under section 2, of the day and hour when, upon filing with the Division, such document was made available for public inspection. Distribution shall be made by delivery or by deposit at a post office at such time in the morning of the day of distribution as shall be fixed by such regulations prescribed hereunder. *The prices to be charged for the Federal Register may be fixed by the administrative committee established by section 6 without reference to the restrictions placed upon and fixed for the sale of Government publications by section 1 of the Act of May 11, 1922, and section 307 of the Act of June 30, 1932 (U. S. C., title 44, secs. 72 and 72a), and any amendments thereto.*

SEC. 4. As used in this Act, unless the context otherwise requires, the term "document" means any Presidential proclamation or Executive order and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by a Federal agency; the terms "Federal agency" or "agency" mean the President of the United States, or any executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States but not the legislative or judicial branches of the Government; and the term "person" means any individual, partnership, association, or corporation.

SEC. 5. (a) There shall be published in the Federal Register (1) all Presidential proclamations and Executive orders, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof; (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; and (3) such documents or classes of documents as may be required so to be published by Act of the Congress: Provided, That for the purposes of this Act every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect.

(b) In addition to the foregoing there shall also be published in the Federal Register such other documents or classes of documents as may be authorized to be published pursuant hereto by regulations prescribed hereunder with the approval of the President, but in no case shall comments or news items of any character whatsoever be authorized to be published in the Federal Register.

SEC. 6. There is established a permanent Administrative Committee of three members consisting of the Archivist or Acting Archivist, who shall be chairman, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer. The Director of the Division shall act as secretary of the committee. The committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this Act. Such regulations shall provide, among other things:

(a) The manner of certification of copies required to be certified under section 2, which certification may be permitted to be based upon confirmed communications from outside of the District of Columbia; (b) the documents which shall be authorized pursuant to section 5 (b) to be published in the Federal Register; (c) the manner and form in which the

Federal Register shall be printed, reprinted, compiled, indexed, bound, and distributed; (d) the number of copies of the Federal Register which shall be printed, reprinted, and compiled, the number which shall be distributed without charge to Members of Congress, officers and employees of the United States, or any Federal agency for their official use, and the number which shall be available for distribution to the public; and (e) the prices to be charged for individual copies of, and subscriptions to, the Federal Register and reprints and bound volumes thereof.

SEC. 7. No document required under section 5 (a) to be published in the Federal Register shall be valid as against any person who has not had actual knowledge thereof until the duplicate originals or certified copies of the document shall have been filed with the Division and a copy made available for public inspection as provided in section 2; and, unless otherwise specifically provided by statute, such filing of any document, required or authorized to be published under section 5, shall, except in cases where notice by publication is insufficient in law, be sufficient to give notice of the contents of such document to any person subject thereto or affected thereby. The publication in the Federal Register of any document shall create a rebuttable presumption (a) that it was duly issued, prescribed, or promulgated; (b) that it was duly filed with the Division and made available for public inspection at the day and hour stated in the printed notation; (c) that the copy contained in the Federal Register is a true copy of the original; and, (d) that all requirements of this Act and the regulations prescribed hereunder relative to such document have been complied with. The contents of the Federal Register shall be judicially noticed and, without prejudice to any other mode of citation, may be cited by volume and page number.

SEC. 8. Whenever notice of hearing or of opportunity to be heard is required or authorized to be given by or under an Act of the Congress, or may otherwise properly be given, the notice shall be deemed to have been duly given to all persons residing within the continental United States (not including Alaska), except in cases where notice by publication is insufficient in law, if said notice shall be published in the Federal Register at such time that the period between the publication and the date fixed in such notice for the hearing or for the termination of the opportunity to be heard shall be (a) not less than the time specifically prescribed for the publication of the notice by the appropriate Act of the Congress; or (b) not less than fifteen days when no time for publication is specifically prescribed by the Act, without prejudice, however, to the effectiveness of any notice of less than fifteen days where such shorter period is reasonable.

SEC. 9. Every payment made for the Federal Register shall be covered into the Treasury as a miscellaneous receipt. The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and any other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this Act shall be borne by the appropriations to the Government Printing Office and such appropriations are hereby made available, and are authorized to be increased by such additional sums as are necessary for such purposes, such increases to be based upon estimates submitted by the Public Printer. The purposes for which appropriations are available and are authorized to be made under section 10 of the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes" (48 Stat. 1122) are enlarged to cover the additional duties placed upon the National Archives Establishment by the provisions of this Act. Copies of the Federal Register mailed by the Government shall be entitled to the free use of the United States mails in the same manner as the official mail of the executive departments of the Government. The cost of mailing the Federal Register to officers and employees of Federal agencies in foreign countries shall be borne by the respective agencies.

SEC. 10. The provisions of section 2 shall become effective sixty days after the date of approval of this Act and the

publication of the Federal Register shall begin within three business days thereafter. *Provided*, That the appropriations involved have been increased as required by section 9 of this Act. The limitations upon the effectiveness of documents required, under section 5 (a), to be published in the Federal Register shall not be operative as to any document issued, prescribed, or promulgated prior to the date when such document is first required by this or subsequent Act of the Congress or by Executive order to be published in the Federal Register.

**SEC. 11.** (a) *On July 1, 1938, and on the same date of every fifth year thereafter, each agency of the Government shall have prepared and shall file with the Administrative Committee a complete codification of all documents which, in the opinion of the agency, have general applicability and legal effect and which have been issued or promulgated by such agency and are in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities on June 1, 1938. The Committee shall, within ninety days thereafter, report thereon to the President, who may authorize and direct the publication of such codification in special or supplemental editions of the Federal Register.*

(b) *There is hereby established a Codification Board, which shall consist of six members: The Director of the Division of the Federal Register, chairman ex officio; three attorneys of the Department of Justice, designated by the Attorney General; and two attorneys of the Division of the Federal Register, designated by the Archivist. The Board shall supervise and coordinate the form, style, arrangement, and indexing of the codifications of the various agencies.*

(c) *The codified documents of the several agencies published in the supplemental edition of the Federal Register pursuant to the provisions of subsection (a) hereof, as amended by documents subsequently filed with the Division, and published in the daily issues of the Federal Register, shall be prima-facie evidence of the text of such documents and of the fact that they are in full force and effect on and after the date of publication thereof.*

(d) *The Administrative Committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this section.*

**SEC. 12.** *Nothing in this Act shall be construed to apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.*

**SEC. 13.** All Acts or parts of Acts in conflict with this Act are hereby repealed insofar as they conflict herewith.

**SEC. 14.** *This Act may be cited as the "Federal Register Act."*

#### DEPARTMENT OF THE INTERIOR.

##### Office of Indian Affairs.

##### REGULATIONS GOVERNING THE LEASING OF RESTRICTED ALLOTTED INDIAN LANDS FOR MINING PURPOSES

APPLICABLE TO ALL RESTRICTED LANDS ALLOTTED TO OR HELD IN TRUST BY INDIVIDUAL MEMBERS OF INDIAN TRIBES EXCEPT THE FIVE CIVILIZED TRIBES AND OSAGE NATION

A provision in the act of March 3, 1909 (35 Stat. 781, 783), reads:

That all lands allotted to Indians in severalty, except allotments made to members of the Five Civilized Tribes and Osage Indians in Oklahoma, may by said allottee be leased for mining purposes for any term of years as may be deemed advisable by the Secretary of the Interior; and the Secretary of the Interior is hereby authorized to perform any and all acts and make such rules and regulations as may be necessary for the purpose of carrying the provisions of this paragraph into full force and effect.

1. To carry this provision of law into effect the following regulations are prescribed:

The term "Superintendent" herein refers to the superintendent or other officer of the Indian Service or of the Government who may have jurisdiction over the allotments involved.

The term "Supervisor" herein refers to a representative of the Secretary of the Interior, under direction of the Director of the United States Geological Survey, authorized and empowered to supervise and direct operations under oil and gas or other mining leases, to furnish scientific and technical information and advice, to ascertain and record the amount and value of production, and to determine and record rentals and royalties due and paid.

Applications for leases should be made to the Superintendent having jurisdiction over the lands.

2. No lease, assignment thereof, or interest therein will be approved to any employee or employees of the United States Government whether connected with the Indian Service or otherwise, and no employee of the Interior Department shall be permitted to acquire any interest in such leases by ownership of stock in corporations having leases or in any other manner.

3. At such times and in such manner as he may deem appropriate, the Superintendent shall publish notices that oil and gas leases on specific tracts, each of which shall be in a compact body, will be offered to the highest responsible bidder for a bonus consideration, in addition to stipulated rentals and royalties. The successful bidder must deposit with the Superintendent on the day of sale a certified check or bank draft on a solvent bank in an amount equal to 20 percent of the bid as a guaranty of good faith. Balance of the bonus and the first year's rental shall be paid and lease in completed form shall be filed within 20 days after the lease is forwarded to the lessee by the Superintendent for execution, unless such period shall have been extended by the Superintendent for good and sufficient reason. If the successful bidder fails to complete the lease or pay the full consideration within said period or extension thereof, or if the lease is disapproved through no fault of the lessor or the Interior Department, the amount of bonus deposited will be forfeited for the use and benefit of the Indian allottee, in the discretion of the Secretary of the Interior.

The right is reserved by the Secretary of the Interior to reject any and all bids and to disapprove and reject prior to approval any lease made on an accepted bid; and should any bid be rejected after bonus deposit is made by bidder, such deposit shall be immediately returned. The successful bidder or bidders shall pay the costs of advertising lands for oil and gas, or other mineral leases.

4. The Superintendent shall execute leases on behalf of allottees who are incompetent by reason of mental incapacity, and of minor allottees, except such persons for whom guardians have been appointed, in accordance with tribal constitutions which provide for the appointment of guardians.

5. Leases for minerals other than oil and gas shall be negotiated with the Indian allottee whose lands are sought to be leased after permission so to do has first been obtained from the Superintendent and, with the papers required, shall be filed with the Superintendent within 30 days from and after the date of execution: *Provided*, That no such lease on lands of allottees incompetent by reason of mental incapacity, and of minor allottees, shall be made until competitive bids have been invited therefor by advertising for at least two weeks in two or more papers of general circulation in the vicinity; but if a minor or such incompetent person is interested with competent adults in inherited lands, and such adults agree respecting a lease, the Superintendent or properly designated guardian may sign for the minor or mentally incompetent person without advertising. The minor's age and date of birth must be shown whenever possible.

6. If the applicant for a lease is a corporation it shall file evidence of authority of its officers to execute papers, and with its first application it shall also file:

(I) A certified copy of its articles of incorporation, and, if foreign to the State in which the lands are located, evidence showing compliance with the corporation laws thereof.

(II) Lists of officers, principal stockholders and directors, with postoffice addresses and number of shares held by each.

(III) A sworn statement of the proper officer showing:

(a) The Total number of shares of the capital stock actually issued and the amount of cash paid into the treasury on each share sold; or, if paid in property, the kind, quantity, and value of the same paid per share.

(b) Of the stock sold, how much remains unpaid, and subject to assessment.

(c) The amount of cash the company has in its treasury and elsewhere.

(d) The property, exclusive of cash, owned by the company and its value.

(e) The total indebtedness of the company and the nature of its obligations.

7. Statements of changes in officers and stockholders shall be furnished by a corporation lessee to the Superintendent on January 1 of each year, and at such other times as may be requested. Affidavits may also be required of individual stockholders at any time, setting forth in what corporations or with what persons, firms, or associations such individual stockholders are interested in mining leases of restricted Indian lands within the State, and whether they hold such interests for themselves or in trust.

8. Except to prevent loss or waste, leases of undivided, inherited lands will be approved only when accompanied by proof that the lessors are the only heirs of the deceased allottee. Heirship must be established in accordance with the act of June 25, 1910 (36 Stat. 855), and the regulations prescribed thereunder. If the heirs have already been so determined, the Superintendent when forwarding the lease shall refer to the date and file number of Indian Office letter notifying him of such determination. If the heirs include a life tenant, the lease must be accompanied by an agreement between such life tenant and the remaindermen, providing for the division of the rents and royalties, subject to approval of the Secretary of the Interior.

If the heirs to an allotment are undetermined or can not be located, or if heirs owning less than one-half interest in the land refuse to sign a lease, and it appears necessary to lease the land to prevent loss or waste, the Superintendent will report the facts to the Commissioner of Indian Affairs and ask for instructions.

9. Lessees shall furnish with each lease a bond (Form 5-154b) with two or more personal sureties, or with an acceptable company authorized to act as sole surety. Such bond shall be in amount as follows: for less than 40 acres, \$500; for 40 acres and less than 80 acres, \$1,000; for 80 acres and less than 120 acres, \$1,500; for 120 acres and not more than 160 acres, \$2,000; and for each additional 40 acres or part thereof above 160 acres, \$500: *Provided*, That a lessee may file one bond (Form 5-154f) in the sum of \$15,000, covering all leases of a particular class in any one State up to 10,240 acres, to which he is or may become a party. The right is reserved at any time before or after approval of lease to increase the amount of a bond above the sum named in any case where the Secretary of the Interior deems it proper to do so. Bonds with personal sureties will be accepted only where the sureties deposit with the Commissioner of Indian Affairs collateral consisting of any public debt obligations of the United States guaranteed as to principal and interest by the United States, equal in value to the full amount of the bond, or other collateral satisfactory in kind and value, to the Secretary of the Interior, or show ownership of unencumbered real estate equal in value to twice the amount of the bond. In lieu of other bonds, lessees may execute their own surety contracts upon deposit of Government bonds as collateral (Form 5-154a).

10. The Superintendent may, either before or after approval of a lease, call for any additional information desired to carry out these regulations. If a lessee shall fail to furnish the papers necessary to put his lease and bond in proper form for consideration, the Superintendent shall forward such lease for disapproval.

11. Oil and gas mining leases shall be made for a period of ten years from the date of approval by the Secretary of the

Interior and as much longer thereafter as oil, gas, casing-head gas, or any of them, is produced in paying quantities.

Leases for other minerals shall be for a period of 15 years.

12. No individual, corporation, partnership, company, or association shall hold under leases for mining purposes restricted Indian lands in any one State in excess of the following areas, exclusive of holdings in the Five Civilized Tribes and the Osage Nation:

(a) On deposits of the nature of lodes or veins, containing ores of gold, silver, copper, lead, zinc, or other useful metals, not more than 640 acres.

(b) For beds of placer gold, gypsum, asphaltum, phosphate, iron ores, or other useful minerals other than coal, oil, and gas, not more than 960 acres.

(c) For coal, oil, or gas, not more than 10,240 acres, except that in the State of Oklahoma there is no limitation on the number of acres any lessee may acquire, by lease or assignment, for oil or gas mining purposes.

#### Rents and Royalties

13. All rents and other payments due under leases which have been or may be approved by the Secretary of the Interior shall be paid to the Superintendent or to such other person as may be designated by the Secretary of the Interior, for the benefit of the various lessors. Except advance payments for the first year which shall be sent direct to the Superintendent at the time of filing leases, payments of rental and royalty under oil and gas leases shall be transmitted through the oil and gas supervisor, shall be accompanied by a statement by the lessee, in triplicate, showing the specific items of rental or royalty that the remittance is intended to cover, and shall be made at such time or times as the lease provides. No credit will be given any lessee for rents or royalties paid direct to the lessors or their representatives.

In the event of the discovery of minerals in paying quantities all advance payments shall be allowed as credit on stipulated royalties for the year for which the payment is made. No refund will be made under oil, gas, or other mining leases, in the event the royalty on production for any year is not sufficient to equal the advance payment for that year, nor will any part of the moneys so paid be refunded to the lessee because of any subsequent surrender or cancellation of the lease, nor shall the lessee be relieved from the obligations to pay said advance rental annually when it becomes due by reason of any subsequent surrender or cancellation of the lease.

For leases other than oil and gas, all advance rental for the first year shall be paid to the Superintendent at the time of filing the lease, and the amounts so paid shall be and become the property of the lessor if the lease be disapproved because of the lessee's failure to meet the requirements of the law or these regulations, or because of any other fault or defect chargeable to the lessee.

14. Advance annual rentals shall be paid on leases for minerals other than oil and gas at the following rates: Fifteen cents per acre per annum for the first and second years; 30 cents per acre per annum for the third and fourth years; 75 cents per acre per annum for the fifth year; and \$1 per acre per annum for each succeeding year during the term of the lease.

15. The lessee shall pay, beginning with the date of approval of oil and gas leases by the Secretary of the Interior, a rental of \$1.25 per acre per annum in advance during the continuance thereof, the rental so paid for any one year to be credited on the royalty for that year, together with a royalty of 12½ percent of the value or amount of all oil, gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and saved from the land leased, save and except oil, and/or gas used by the lessee for development and operation purposes on the lease, which oil or gas shall be royalty free. During the period of supervision, "value" for the purposes of the lease, may, in the discretion of the Secretary, be calculated on the basis of the highest price paid or offered (whether calculated on the basis of short or actual

volume) at the time of production for the major portion of the oil of the same gravity, and gas, and/or natural gasoline, and/or all other hydrocarbon substances produced and sold from the field where the leased lands are situated, and the actual volume of the marketable product less the content of foreign substances as determined by the oil and gas supervisor. The actual amount realized by the lessee from the sale of said products may, in the discretion of the Secretary of the Interior, be deemed mere evidence of or conclusive evidence of such value. When paid in value, such royalties shall be due and payable monthly on the last day of the calendar month following the calendar month in which produced; when royalty on oil produced is paid in kind, such royalty oil shall be delivered in tanks provided by the lessee on the premises where produced without cost to the lessor unless otherwise agreed to by the parties thereto, at such time as may be required by the lessor. The lessee shall not be required to hold such royalty oil in storage longer than 30 days after the end of the calendar month in which said oil is produced. The lessee shall be in no manner responsible or held liable for loss or destruction of such oil in storage caused by acts of God. All rental and royalty payments, except as provided in sections 4 (c) and 8 (a) of the lease form (5-154h, revised April 24, 1935), shall be made by check or draft drawn on a solvent bank, open for the transaction of business on the day the check or draft is issued, to the order of the Superintendent. Except the advance rental for the first year, which as provided in section 13 of these regulations, shall be paid to the Superintendent when the lease is filed, payments shall be transmitted through the oil and gas supervisor, shall be accompanied by a statement by the lessee, in triplicate, showing the specific items of rental or royalty that the remittance is intended to cover, and shall be made at such times as the lease provides. In determining the value for royalty purposes of products, such as natural gasoline, that are derived from treatment of gas, a reasonable allowance for the cost of manufacture shall be made, such allowance to be two-thirds of the value of the marketable product unless otherwise determined by the Secretary of the Interior on application of the lessee or on his own initiative, and that royalty will be computed on the value of gas or casinghead gas, or on the products thereof (such as residue gas, natural gasoline, propane, butane, etc.), whichever is the greater.

In time of war or other public emergency any of the executive departments of the United States Government shall have the option to purchase at the highest posted market price on the date of sale all or any part of the oil produced under any lease.

16. The royalty on coal shall not be less than ten cents per ton of 2,000 pounds on mine run, or coal as it is taken from the mines, including what is commonly called "slack".

17. The royalty on asphaltum shall not be less than ten cents per ton of 2,000 pounds on crude asphalt or 60 cents per ton on refined asphalt.

18. For gold, silver, copper, lead, zinc, and tungsten the lessee shall pay quarterly a royalty of not less than ten percent, to be computed on the gross value of the ores as shown by reduction returns after deducting freight and treatment charges.

19. For substances other than gold, silver, copper, lead, zinc, tungsten, coal, asphaltum and allied substances, oil, and gas the lessee shall pay quarterly a royalty of not less than ten percent of the value at the nearest shipping point.

20. Lessees may make arrangements with the purchasers of oil for the payment of the royalties to the Superintendent by such purchasers, but such arrangement, if made, shall not operate to relieve a lessee from responsibility should the purchaser fail or refuse to pay royalties when due. Where lessees avail themselves of this privilege, division orders permitting the pipe line companies or other purchasers of the oil to withhold the royalty interest shall be executed and forwarded to the oil and gas supervisor for approval, as pipe line companies are not permitted to accept or run oil from

leased Indian lands until after the approval of a division order showing that the lessee has a lease regularly approved and in effect. The right is reserved for the oil and gas supervisor to cancel a division order at any time or require the pipe line company to discontinue to run the oil of any lessee who fails to operate the lease properly or otherwise violates the provisions of the lease, of these regulations, or of the operating regulations.

Lessee or his representative shall actually be present when oil taken under division orders is run by pipe line companies and lessee shall be responsible for the correct measurement and report of oil so run; otherwise the approval of division order may be revoked.

21. Royalty payments on all leases shall be made monthly, on or before the last day of the calendar month following the calendar month for which such payment is to be made.

#### *Stipulations*

22. The lessee under any lease heretofore approved may, by stipulation (Form 5-154i), with the consent of the lessor and the approval of the Secretary of the Interior, make such approved lease subject to all the terms, conditions, and provisions contained in these regulations and in the lease form currently in use.

#### *Assignments*

23. (a) Leases hereafter approved, or any interest therein, may be assigned or transferred only with the approval of the Secretary of the Interior, and to procure such approval the assignee must be qualified to hold such lease under existing rules and regulations, and shall furnish a satisfactory bond for the faithful performance of the covenants and conditions thereof.

(b) No lease or any interest therein or the use of such lease shall be assigned, sublet, or transferred, directly or indirectly, by working or drilling contract, or otherwise, without the consent of the Secretary of the Interior.

(c) Assignments of leases and stipulations modifying the terms of existing leases shall be filed with the Superintendent within 30 days after the date of execution.

#### *Cancellations*

24. A lease will be cancelled by the Secretary of the Interior for good cause upon application of the lessor or lessee, or if at any time the Secretary is satisfied that the provisions of the lease or of any regulations heretofore or hereafter prescribed have been violated. When the lessee applies for cancellation he must, before the same will be considered, pay a surrender fee of \$1 and all royalties and rents due to the date of completion of such application, surrender all parts of the lease actually delivered to him, and furnish a duly recorded release of the acreage covered by the application if the lease thereon has been recorded: Provided, That where the application is made by an assignee to whom no copy of the lease was delivered he will be required to surrender only his copy of the assignment.

If the lease is owned in undivided interests by more than one person, firm, or corporation all shall join in the application for cancellation.

All required fees and papers must be at least in the mail on or before the date upon which rents and royalties become due in order for the lessee and his surety to be relieved from liability for the payment thereof.

If there has been a contest respecting a lease or leases, the approved, disapproved, or cancelled parts thereof will be held in the office of the Superintendent for five days after promulgation by him, by mailing or delivery of the department's decision, and will not be delivered if within that period a motion for review or reconsideration be filed until such motion is passed upon by the department.

No part of any advance rentals shall be refunded to the lessee, nor shall he be relieved from his obligation to pay rentals annually when due by reason of any subsequent surrender or cancellation of the lease. Upon cancellation of a

lease the lessor shall be entitled to take immediate possession of the land.

*Further Requirements of Lessees*

25. Lessees will be required to carry out and observe the operating regulations now or hereafter in force governing oil and gas operations on restricted Indian lands. Operations will not be permitted under any lease requiring approval of the Secretary of the Interior until the approved lease has been delivered.

All leases issued under the provisions of these regulations shall be subject to imposition by the Secretary of such restrictions as to time or times for the drilling of wells and as to the production from any well or wells as in his judgment may be necessary or proper for the protection of the natural resources of the leased land and in the interests of the Indian lessor. In the exercise of his judgment the Secretary may take into consideration among other things the Federal laws, State laws, or regulations by competent Federal or State authorities or lawful agreements among operators regulating either drilling or production or both, and also any regulatory action desired by tribal authorities.

All leases issued pursuant to these regulations shall be subject to a cooperative or unit development plan affecting the leased lands if and when required by the Secretary of the Interior.

26. Lessees shall agree to allow the lessors and their agents or any authorized representative of the Interior Department to enter, from time to time, upon and into all parts of the leased premises for the purposes of inspection, and shall further agree to keep a full and correct account of all operations and make reports thereof, as required by the regulations of the Department governing operations on public and restricted Indian lands; and their books and records showing manner of operations and persons interested shall be open at all times for examination of such officers of the department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations to make such examination.

*Land From Which Restrictions Have Been or May Be Removed*

27. All leases of any description whatever executed by an allottee on land from all of which the restrictions against alienation had been removed before such execution may be executed without any provision for reference to or supervision by the Secretary of the Interior or any official of the Department of the Interior; and the Superintendent shall refuse to accept for consideration any lease covering land from all of which restrictions had been removed before such execution.

28. All leases executed before the removal of restrictions against alienation on land from all of which restrictions against alienation shall be removed after such execution, if such leases contain specific provision for approval by the Secretary of the Interior, whether now filed with the department or presented for consideration hereafter, will be considered and acted upon by this department as heretofore.

29. Oil and gas leases heretofore or hereafter approved and leases for other minerals now or hereafter in force on land from all of which restrictions against alienation have been or shall be removed, even if such leases contain provisions authorizing supervision by this department, shall, after such removal of restrictions against alienation, be operated entirely free from such supervision, and the authority and power delegated to the Secretary of the Interior in said leases shall cease, and all payments required to be made to the Superintendent shall thereafter be made to lessor or the then owner of said land; and changes in regulations thereafter made by the Secretary of the Interior applicable to oil and gas leases shall not apply to such leased land from which said restrictions are removed.

In the event restrictions are removed from a part of the land included in any lease to which this section applies the

entire lease shall continue subject to the supervision of the Secretary of the Interior, and all royalties thereunder shall be paid to the Superintendent until such time as the lessor and lessee shall furnish the Secretary of the Interior satisfactory information that adequate arrangements have been made to account for the oil, gas, or mineral upon the restricted land separately from that upon the unrestricted. Thereafter the restricted land only shall be subject to the supervision of the Secretary of the Interior, provided that the unrestricted portion shall be relieved from such supervision as in the lease or regulations provided.

30. Sections 8 and 9 of the approved oil and gas lease form (5-154h, as revised April 24, 1935), relative to relinquishment of supervision and terms operative after such relinquishment, read as follows:

*"8. Relinquishment of supervision by the Secretary of the Interior.—Should the Secretary of the Interior, at any time during the life of this instrument, relinquish supervision as to all or part of the acreage covered hereby, such relinquishment shall not bind lessee until said Secretary shall have given 30 days written notice. Until said requirements are fulfilled, lessee shall continue to make all payments due hereunder as heretofore in section 3 (c). After notice of relinquishment has been received by lessee, as herein provided, this lease shall be subject to the following further conditions:*

(a) All rentals and royalties thereafter accruing shall be paid in the following manner: Rentals and royalties shall be paid to lessor or his successors in title, or to a trustee appointed under the provisions of section 9 hereof. Rentals and royalties shall be paid directly to lessor or his successors in title, or to said trustee as the case may be.

(b) If, at the time supervision is relinquished by the Secretary of the Interior, lessee shall have made all payments then due hereunder, and shall have fully performed all obligations on its part to be performed up to the time of such relinquishment, then the bond given to secure the performance hereof, on file in the Indian Office, shall be of no further force or effect.

(c) Should such relinquishment affect only part of the acreage, then lessee may continue to drill and operate the land covered hereby as an entirety: *Provided*, That lessee shall pay in the manner prescribed by section 3 (c), for the benefit of lessor such proportion of all rentals and royalties due hereunder as the acreage retained under the supervision of the Secretary of the Interior bears to the entire acreage of the lease, the remainder of such rentals and royalties to be paid directly to lessor or his successors in title or said trustee as the case may be, as provided in subdivision (a) of this section.

*"9. Division of fee.—It is covenanted and agreed that should the fee of said land be divided into separate parcels, held by different owners, or should the rental or royalty interests hereunder be so divided in ownership, after the execution of this lease and after the Secretary of the Interior relinquishes supervision hereof, the obligations of lessee hereunder shall not be added to or changed in any manner whatsoever save as specifically provided by the terms of this lease. Notwithstanding such separate ownership, lessee may continue to drill and operate said premises as an entirety: *Provided*, That each separate owner shall receive such proportion of all rentals and royalties accruing after the vesting of his title as the acreage of the fee, or rental or royalty interest, bears to the entire acreage covered by the lease; or to the entire rental and royalty interest as the case may be: *Provided further*, That if, at any time after departmental supervision hereof is relinquished, in whole or in part, there shall be four or more parties entitled to rentals or royalties hereunder, whether said parties are so entitled by virtue of undivided interests or by virtue of ownership of separate parcels of the land covered hereby, lessee, at his election may withhold the payment of further rentals or royalties (except as to the portion due the Indian*

lessor while under restrictions), until all of said parties shall agree upon and designate in writing and in a recordable instrument a trustee to receive all payments due hereunder on behalf of said parties and their respective successors in title. Payments to said trustee shall constitute lawful payments hereunder, and the sole risk of an improper or unlawful distribution of said funds by said trustee shall rest upon the parties naming said trustee and their respective successors in title."

These, or similar provisions, will be contained in all leases. 31. Should the removal of restrictions affect only part of the acreage covered by an oil and gas lease containing provisions to the effect that the royalties accruing under the lease, where the fee is divided into separate parcels, shall be paid to each owner in the proportion which his acreage bears to the entire acreage covered by the lease, the lessee or assignee of such unrestricted portion will be required to make the reports required by these regulations and the operating regulations with respect to the beginning of drilling operations, completion of wells, and production, the same as if the restrictions had not been removed. In the event the unrestricted portion of the leased premises is producing, the owners of the lease thereon will be required to pay the portion of the royalties due the Indian lessor at the time and in the manner specified by these regulations.

#### Fees

32. In accordance with the provisions of the act of February 14, 1920 (41 Stat. 408-415), a fee of \$5 is hereby required upon approval of each lease, sublease, or assignment. This fee shall be paid at the time of filing the lease, sublease, or assignment, and will be refunded in case the instrument is disapproved.

#### Forms

33. The forms prescribed for use in connection with these regulations are designated as follows, and may be obtained from the Superintendent at a cost of ten cents each:

- 5-154. Lease for minerals, other than oil and gas.
- 5-154a. Lessee's personal bond supported by Government securities.
- 5-154b. Bond for separate leases.
- 5-157d. Authority of officers to execute papers.
- 5-154e. Assignment.
- 5-154f. \$15,000 collective bond.
- 5-154g. Affidavit of personal surety to accompany bonds.
- 5-154h. (Revised April 24, 1935). Oil and gas lease.
- 5-154i. Stipulation modifying terms of oil and gas mining lease.

34. The reference in these regulations to "allotees" and "allotments" does not include assignments of tribal lands made pursuant to tribal constitutions for the use of individual Indians and assignees of such lands; but such tribal assignments may be leased by Indians to whom mineral rights have been so assigned, subject to the terms of the tribal constitution and subject to the approval of the Secretary of the Interior for such periods of time as are authorized by existing law. In the leasing of such lands preference will be given to Indian cooperative associations and to individual Indians.

The foregoing regulations are respectfully submitted to the Secretary of the Interior with recommendation that they be approved.

JOHN COLLIER,  
Commissioner of Indian Affairs.

Approved, October 8, 1937.

OSCAR L. CHAPMAN,  
Assistant Secretary of the Interior.

[F. R. Doc. 37-3288; Filed, November 11, 1937; 9:45 a.m.]

#### DEPARTMENT OF AGRICULTURE.

##### Bureau of Animal Industry.

##### NOTICE UNDER ACT TO REGULATE INTERSTATE AND FOREIGN COMMERCE IN LIVESTOCK, ETC.

NOVEMBER 11, 1937.

To H. L. Anderson, doing business as Farmers' Livestock Sales Company, Stockyard owner, at McCook, Nebraska.

Whereas Section 301 of Title III of an Act of Congress entitled "An Act to regulate interstate and foreign commerce in livestock, livestock products, dairy products, poultry, poultry products, and eggs, and for other purposes", approved August 15, 1921, provides in part that, when used in said Act, the term "stockyard owner" means any person engaged in the business of conducting or operating a stockyard; and Section 302 of said Act provides as follows:

(a) When used in this title the term "stockyard" means any place, establishment, or facility commonly known as stockyards, conducted or operated for compensation or profit as a public market, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce. This title shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this title until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition:

Notice is hereby given that after inquiry it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as Farmers' Livestock Sales Company, at McCook, State of Nebraska, comes within the foregoing definition and is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers and other persons concerned is directed to Sections 303 and 306 and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-3291; Filed, November 11, 1937; 12:41 p. m.]

#### Commodity Exchange Administration.

##### NOTICE OF HEARING

To all Contract Markets, Futures Commission Merchants, and Parties Interested:

Whereas Section 4a of the Commodity Exchange Act, 7 U. S. C. Supp. II, Sec. 6a, directs that, for the purpose of diminishing, eliminating, or preventing excessive speculation causing sudden, unreasonable, or unwarranted price changes in any commodity named in the act, the Commodity Exchange Commission shall, from time to time, after due notice and opportunity for hearing, proclaim and fix such limits on the amount of trading under contracts of sale of such commodity for future delivery on or subject to the rules of any contract market which may be done by any person as said Commission finds is necessary for such purpose;

Now, therefore, notice is hereby given that a hearing will be held beginning at 10 o'clock a. m., on December 1, 1937, in Room 300, Chicago Board of Trade Building, 141 West Jackson Boulevard, Chicago, Illinois, for the presentation of evidence as to (1) what maximum limit should be fixed for the amount of wheat, corn, oats, barley, rye, and flaxseed which any person directly or indirectly may buy or sell, or agree to buy or sell, under contracts of sale for future de-

livery on or subject to the rules of all contract markets, on any one business day, and (2) what maximum limit should be fixed for the net long or net short position in wheat, corn, oats, barley, rye, and flaxseed which may be held or taken by any person as a result of contracts for future delivery on or subject to the rules of all contract markets.

Neither of the aforesaid limits will apply to transactions which are shown to be bona fide hedging transactions as that term is specifically defined in Section 4a of the Commodity Exchange Act, 7 U. S. C. Supp. II, Sec. 6a.

Dated November 10, 1937.

By Commodity Exchange Commission.

H. A. WALLACE,  
Secretary of Agriculture.  
DANIEL C. ROPER,  
Secretary of Commerce.  
HOMER CUMMINGS,  
Attorney General.

[F. R. Doc. 37-3295; Filed, November 11, 1937; 12:42 p. m.]

#### DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority vested in it by the Commodity Exchange Act, 7 U. S. C. A., Chapter 1, the Commodity Exchange Commission hereby designates J. W. T. Duvel and J. M. Mehl to act jointly and/or severally as its agents for the purpose of conducting a hearing to be held, as stated in the notice thereof, on December 1, 1937, in Room 300, Chicago Board of Trade Building, 141 West Jackson Boulevard, Chicago, Illinois, beginning at 10 o'clock a. m., with respect to the fixing of maximum limits for the amount of wheat, corn, oats, barley, rye, and flaxseed which any person may buy or sell for future delivery in one day and for the amount of the net position short or long which any person may hold as the result of contracts for future delivery of such commodity, as provided in said act, and said Commission authorizes them to adjourn said hearing from time to time or from place to place, or both, to such other times and places as convenience may require, until opportunity has been given to all interested parties to be heard.

In testimony whereof, we have hereunto affixed our respective signatures this 10th day of November 1937.

H. A. WALLACE,  
Secretary of Agriculture.  
DANIEL C. ROPER,  
Secretary of Commerce.  
HOMER CUMMINGS,  
Attorney General.

[F. R. Doc. 37-3294; Filed, November 11, 1937; 12:41 p. m.]

#### NOTICE OF HEARING

##### To all Contract Markets for Grain and All Parties Interested:

Whereas, Sec. 5a (4) of the Commodity Exchange Act, 7 U. S. C. Supp. II, Sec. 7a (4), provides that whenever the Secretary of Agriculture finds, after due notice and opportunity for hearing, that it would prevent or tend to prevent "squeezes" and market congestion endangering price stability if he were to require any contract market or markets to make provision for a period of not less than three nor more than ten business days during which delivery of the actual cash commodity may be made on any futures contract after trading in futures for such commodity has ceased for any delivery month, he shall issue an order requiring any one or more contract markets to provide for such delivery period for any one or more commodities;

Whereas, Sec. 5a (5) of said act, 7 U. S. C. Supp. II, Sec. 7a (5), provides that whenever the Secretary finds, after due notice and opportunity for hearing, that the giving of a longer notice of delivery than the notice of at least one business day required by said section is necessary to pre-

vent or diminish unfair practices in trading in any one or more commodities or markets, he shall, by order, require such longer notice of delivery, which shall not be more than ten business days, and shall make it applicable to such commodities and markets as he finds will prevent or diminish unfair practices; and

Whereas the Secretary of Agriculture has reason to believe that each contract market on which wheat, corn, oats, barley, rye and flaxseed, or any of them, are traded in for future delivery, should be required to provide for such period, with respect to such commodities, to prevent "squeezes" and market congestion endangering price stability, and to require such notice of delivery, with respect to such commodities, to prevent or diminish unfair practices in trading;

Now, Therefore, notice is hereby given that a hearing will be held beginning at 10 o'clock a. m., on November 30, 1937, in Room 300, Chicago Board of Trade Building, 141 West Jackson Boulevard, Chicago, Illinois, at which any interested party may appear and present such facts as may tend to show that such action should or should not be taken.

Dated November 10, 1937.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-3293; Filed, November 11, 1937; 12:41 p. m.]

#### DESIGNATION OF PRESIDING OFFICER

Pursuant to the authority vested in me by the Commodity Exchange Act, 7 U. S. C. A., Chapter 1, I hereby designate J. W. T. Duvel and J. M. Mehl to act jointly and/or severally as agents of the Secretary of Agriculture for the purpose of conducting a hearing to be held, as stated in the notice thereof, on November 30, 1937, in Room 300, Chicago Board of Trade Building, 141 West Jackson Boulevard, Chicago, Illinois, beginning at 10 o'clock a. m., with respect to requiring contract markets to provide for a period for delivery of commodities after trading therein for future delivery has ceased, and requiring contract markets to require written notice of delivery of commodities under contracts for future delivery to be given more than one business day prior to the date of delivery, as provided in said act, and I authorize them to adjourn said hearing from time to time or from place to place, or both, to such other times and places as convenience may require, until opportunity has been given to all interested parties to be heard.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington on this 10th day of November 1937.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 37-3292; Filed, November 11, 1937; 12:41 p. m.]

#### FEDERAL HOME LOAN BANK BOARD.

##### Home Owners' Loan Corporation.

##### AMENDING THE ACCOUNTING CHAPTER OF THE MANUAL PROVIDING FOR ACCOUNTING PROCEDURE AND DISPOSITION OF OVERPAYMENTS OF LESS THAN FIFTY CENTS ON PAID IN FULL LOANS

*Be it resolved*, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647) and particularly by sections 4-a and 4-k of said Act as amended, Section 800 (a) and Section 800 (k) of the Accounting Chapter (VIII)<sup>1</sup> of the Consolidated Manual are amended to read as follows, and Section 800 (l) is revised by deleting therefrom the second paragraph:

SEC. 800 (a) The Accounting Section shall be under the direction of the Comptroller of the Corporation who is au-

<sup>1</sup> F. R. 1540.

thorized, with the approval of the General Counsel, the General Manager and the Budget Director, to prescribe all accounting procedure according to policies of the Board heretofore and hereafter adopted.

(k) If a remittance purporting to pay a loan in full, or intended as a final settlement in any case involving a release of the Corporation's interest or a part thereof, is insufficient in an amount of fifty cents or less, no attempt shall be made to collect any such difference between the amount due and the amount of the payment received. The appropriate account affected shall be credited with the amount of such insufficiency, with a contra debit to the account, Insufficient Payments—Final Settlements. Overpayments exceeding fifty cents shall be refunded, by disbursement from the Regional Working Fund, upon approval of the Regional Manager and certification by the Auditor or an authorized deputy. Overpayments of fifty cents or less shall be credited to such account as the Comptroller shall prescribe; provided, however, that the Regional Manager may, in any case where he deems it advisable, direct that the same be refunded.

Adopted by the Federal Home Loan Bank Board on November 9, 1937.

[SEAL]

R. L. NAGLE, Secretary.

[F. R. Doc. 37-3290; Filed, November 11, 1937; 12:05 p. m.]

#### INTERSTATE COMMERCE COMMISSION.

##### ORDER

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 8th day of November, A. D. 1937

[Ex Parte No. 123]

##### FIFTEEN PERCENT CASE, 1937

The Commission, having before it the petitions of numerous railroads subject to the interstate commerce act for authority to increase their rates, fares and charges, including international rates, fares and charges, in specified amounts, filed on November 5, 1937, on behalf of the Abilene & Southern Railroad Company, and other carriers, and a petition filed on November 6, 1937, by the American Short Line Railroad Association, supplemental to and in support of that petition, on behalf of certain other carriers subject to the act; and it appearing that said petitioners pray that the Commission enter a general order modifying all its outstanding orders to the extent necessary to enable petitioners to make effective the increases proposed, and that where the application of the increase herein proposed to the existing rates and fares would result in departures from Section 4 of the act, the Commission authorize such departures, which petitions so filed are referred to for greater certainty:

*It is ordered*, That the Commission enter upon an investigation of the proposals made in said petitions; and that a copy of this order be served upon the applicants named in said petitions and upon the Governors and regulatory bodies of the several States:

*It is further ordered*, That the above-entitled proceeding be, and it is hereby assigned for hearing before Division 7 of the Commission at the office of the Commission in Washington, November 29, 1937, at 10 a. m., standard time.

By the Commission.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 37-3296; Filed, November 11, 1937; 12:51 p. m.]

[Docket No. 3666]

##### ORDER IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Present: Frank McManamy, Commissioner, to whom the above entitled matter has been assigned for action thereon.

Regulations for the transportation of explosives and other dangerous articles being under further consideration;

*And it appearing*, That applications of the War Department, United States Government, and Gulf Oil Company, unanimously recommended by the Tank Car Committee, and concurred in by the Bureau of Explosives, Association of American Railroads, request permission to construct and operate in experimental rail service in the transportation of gasoline within the description of materials in paragraph 236 (a) of the aforesaid regulations, a total of thirty tank cars with riveted aluminum alloy tanks, twenty-five for the War Department and five for the Gulf Oil Company, to be constructed in accordance with shipping container specification 103AL embodied herein, including requirements of the Association reproduced as an appendix to the specification;

*It further appearing*, That the Tank Car Committee, in recommending approval of these applications, submits that the proposed specification will provide aluminum-alloy tank-car tanks having the same strength as steel tanks of specification 103 type in current use in the transportation of gasoline of the grade described, and that use thereof is in accordance with the best-known practicable means for securing safety in transit;

*It further appearing*, That there are in use at the present time 169 tank cars with tanks constructed of aluminum, 93 riveted and 76 of welded construction, for commodities of nondangerous character in transportation, and not within the terms of the aforesaid regulations;

*And it further appearing*, That reports are required to be made to the Bureau of Explosives and the secretary, mechanical division, Association of American Railroads before any car is placed in service, certifying to compliance with the specification, and further periodical reports to same parties on the condition of tanks and safety valves:

*It is ordered*, That the pending applications be granted and the construction and use be and is hereby authorized of a total of 30 tank cars, with tanks in accordance with the following shipping container specification 103AL, including appendix thereof, subject to requirements for the safe transportation of gasoline and safety appliances, and carrier rules for the interchange of tank cars:

##### SHIPPING CONTAINER SPECIFICATION 103AL

*Riveted Aluminum Alloy, Heat Treated, Tanks to be Mounted on or to Form Part of a Car*

[Effective November 5, 1937]

1. (a) *Type*.—Tanks built under this specification must be cylindrical, with heads dished convex outward, and must have at least one expansion dome with manhole, and such other external projections as are prescribed herein.

(b) *Lagging*.—The tank shell and dome must be lagged with an approved insulation material having a thermal efficiency at least equal to 85 per cent carbonate of magnesia 2 inches in thickness.

The entire insulation must be covered with a metal jacket, not less than  $\frac{1}{8}$ " in thickness, efficiently flashed around all openings so as to be weather-tight.

2. (a) *Bursting pressure*.—The calculated bursting pressure, as determined by the following formula, must be at least 300 lbs. per square inch. Castings and attachments must be designed for the same bursting pressure.

(b) *Formula for determining bursting pressure*.

$$\frac{S \times 2t \times E}{d} = \text{Bursting Pressure.}$$

S=Ultimate tensile strength in lbs. per sq. in.

t=Thickness in inches thinnest plate.

E=Seam efficiency.

d=Inside diameter in inches.

3. (a) *Material*.—All plates for tank and expansion dome must be made of aluminum alloy, heat treated, in accordance with Federal Specification No. QQ-A-353, dated 6-6-33, condition "T."

(b) All rivets must be of aluminum alloy having a minimum shearing value when driven in the tank of 33,000 lbs. per sq. in. They must be heated in pyrometrically controlled furnace and be driven hot.

(c) Aluminum alloy castings must conform to Proposed Federal specification for aluminum base alloy sand castings QQ-A-363 dated 2-13-37.

(d) Aluminum alloy forgings heat treated, must conform to Federal specification QQ-A-367 effective on the date hereof.

4. *Thickness and widths of plates.*—The minimum thickness of plates, including thickness of each plate at rivet seams, must be as follows:

Inside diameter of tanks	Bottom sheets	Shell sheets	Expansion dome sheets	Tank heads	Expansion dome heads
Over 78 to 96 inches.....	Inch $\frac{1}{2}$	Inch $\frac{3}{8}$	Inch $\frac{3}{16}$	Inch $\frac{3}{8}$	Inch $\frac{3}{16}$

The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal seam, including overlaps, above the cradle.

5. *Dishing of tank heads.*—Tank heads must be of approved contour.

6. (a) *Riveting.*—For computing rivet areas the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. Use of rivets less than  $\frac{5}{8}$  inch nominal diameter not permissible on any part of tank or attachments. All rivets must be driven hot.

(b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be at least double riveted. Dome head, manhole ring, safety valve flange, and bottom outlet chamber flange must be single or double riveted. Riveted seams and joints must be made metal to metal without interposition of other material. The efficiency of multiple riveted seams must be at least 70% of the strength of the thinnest plate. The efficiency of single riveted seams must be at least 35% of the strength of the thinnest plate.

(c) The manner in which tank is supported on and securely attached to the car structure must be approved.

7. *Preparation for calking.*—The edges of plates at all riveted seams must be beveled so that the angle of the calking edges will be between 70 to 80 degrees with the flat surface of the plate. The extreme calking edge distance, measured from center line of rivet hole, must be at least one and one-half times the diameter of the hole and not more than that distance plus  $\frac{1}{4}$  inch.

8. *Calking.*—All seams, including those formed by attachment of expansion dome and other external projections, must be calked both inside and outside, except that inside calking of the seam formed by attachment of expansion dome to tank is not required and outside calking of seams formed by attachment of all external projections, except the expansion dome is not required. Split calking and calk welding prohibited.

9. (a) *Expansion dome.*—The expansion dome must have a capacity, measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside dome, of at least 2 per cent of the total capacity of the tank and dome combined.

(b) The manhole in the dome head must be of sufficient diameter to permit access to the interior of the tank. The opening in tank shell within the dome must be at least 29 inches and not more than 30 inches in diameter.

(c) The dome head must be dished convex outward.

10. (a) *Closures for manholes.*—All covers not hinged to tank must be attached to outside of the dome head by at least a  $\frac{3}{8}$  inch steel chain or its equivalent.

(b) All joints between manhole covers and their seats must be made tight against vapor pressure, and to secure this a suitable gasket must be used. The manhole cover must be of approved type and design to make it practically impossible to remove the cover while the interior of the tank is subjected to pressure.

(c) Manhole rings and covers must be of cast, forged or pressed aluminum alloy.

11. *Gauging devices, venting and loading and discharge pipes extending through dome of tanks.*—Not specification requirements. When installed, these external projections, including their valves, must be protected from accidental injury by being set into a securely covered recess, or by means of cast or pressed steel, malleable iron or aluminum equivalent housing with a cover that can be securely closed. Openings in wall of housing must be equipped with screw plugs or other closures.

12. *Venting, loading and discharge pipes.*—These pipes, when installed, must be closed by efficient valves of metal not subject to rapid deterioration by the lading. Provision must be made for closing the pipe connections of the valves.

13. (a) *Bottom discharge outlets.*—The bottom discharge outlet, when applied, must be made of metal not subject to rapid deterioration by the lading, be of approved construction and be provided with a valve at its upper end and a liquid tight closure at its lower end.

(b) The valve operating mechanism and outlet chamber construction must be such as to insure against unseating of valve due to stresses or shocks incident to transportation.

14. (a) *Safety valves.*—The tank must be equipped with one or more safety valves mounted on expansion dome. Total valve discharge capacity must be sufficient to prevent building up of pressure in the tank in excess of 45 pounds per square inch.

(b) One safety valve must be provided for each tank, or compartment thereof, of 6,650 gallons capacity or less, and two safety valves for each tank, or compartment thereof, of over 6,650 gallons capacity.

(c) Each safety valve must be set to open at a pressure of 25 pounds per square inch. (For tolerance see paragraph 18.)

15. *Fixtures, reinforcements, and other attachments not otherwise specified.*—All external attachments to tank must be riveted in place and calked to comply with conditions prescribed in paragraphs 6 and 8, or applied by other approved means of at least equal strength and efficiency.

16. *Plugs for openings.*—When plugs are used in the heads or other parts of tanks they must be solid, of aluminum alloy, with standard pipe thread and taper, and of a length which will screw at least 6 threads inside the face of fitting or tank.

17. *Test of tanks.*—Each tank must be tested, before being put into service and also at intervals as prescribed in paragraph 19, by completely filling tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100 degrees F. during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety valves, must be in place while test is made.

18. *Tests of safety valves.*—Each valve must be tested, before being put into service and also at intervals as prescribed in paragraph 19, by attaching to an air line and applying pressure. The valve must not leak below 20 pounds pressure. (See Note paragraph 218 (d) of freight regulations.) The valve must open at the pressure prescribed in paragraph 14 (c) with a tolerance of plus or minus 3 pounds.

19. *Retests of tanks and safety valves.*—Tanks and safety valves must be retested, as prescribed for original tests in paragraphs 17 and 18, within 10 years after the original test, and thereafter at intervals of five years or less. Tanks must

also be retested before being returned to service after any repairs requiring extensive riveting or calking. Reports must be rendered as prescribed in paragraph 21.

20. *Marking*.—Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(a) ICC-103-AL in letters and figures at least  $\frac{3}{8}$  inch high stamped plainly and permanently into the metal near the center of one outside head of the tank. This mark must also be stenciled on the insulation jacket near the center of one outside head in letters and figures at least 2 inches high.

(b) Initials of manufacturer and date of original test of tank in letters and figures at least  $\frac{3}{8}$  inch high, stamped plainly and permanently into the metal of the tank immediately below the stamped mark specified in paragraph 20 (a). These initials and date must also be stenciled on the insulation jacket immediately below the stenciled mark specified in paragraph 20 (a) in letters and figures at least 2 inches high.

(c) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the insulation jacket.

(d) Date on which the safety valves were last tested, pressure to which tested, place where test was made and by whom, stenciled on the insulation jacket.

21. *Reports*.—Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the secretary, mechanical division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of alterations of the tank or equipment therefor from original design, a similar report must be rendered to the same parties. For the periodic retests of tank and safety valves, other than above mentioned, reports must be rendered to the Bureau of Explosives and to car owner. In addition to the foregoing, owners or operators of cars where construction is authorized herein shall make semi-annual inspections of the tanks and report their condition to the above parties.

#### APPENDIX

##### A. A. R. Requirements

AAR-5. *Dishing of tank heads*.—Tank heads must be dished for pressure on concave side and to main inside radius not exceeding 10 feet. The inside knuckle radius must be not less than  $3\frac{3}{4}$  inches.

AAR-6. (a) *Anchorage*.—The minimum shearing and bearing values of rivets connecting longitudinal anchor plates to tank and underframe shall be as follows:

Connection of single piece anchor plates to tank: (A single piece anchor is one having one longitudinal anchor plate on each side of the center sill construction.)

Shearing area of aluminum rivets, not less than 40 square inches.

Bearing area of aluminum rivets, not less than 24 square inches.

Connection of single piece anchor plates to underframe: Shearing area of steel rivets, not less than 15 square inches. Bearing area of steel rivets, not less than 12 square inches.

The shearing and bearing values of rivets securing anchor plates to underframe shall not exceed 70 per cent of the shearing and bearing values, respectively, of those used for connection of anchor plates to tank. The maximum diameter of a driven aluminum rivet in the anchor must not exceed its normal diameter plus  $\frac{1}{32}$  inch. Head block anchorage prohibited.

(b) *Tank bands*.—Each tank shall have at least two bands, one at each bolster or other approved means of equal strength and security. If more than the prescribed two bands are used, their location is optional.

All tank bands shall be in direct contact with outside of main shell.

The cross sectional area of the tank band shall at no place be less than the equivalent of one square inch of steel. A threaded end  $1\frac{1}{8}$  inch or more in diameter, with body consisting of a flat band 2 inch by  $\frac{1}{2}$  inch, or equivalent section, or round  $1\frac{1}{8}$  inch in diameter, will be accepted as meeting this requirement.

(c) *Bolster slabbing*.—Contact bearing area shall be not less than 15 square feet.

Not less than 50 per cent of the above prescribed minimum of number of square feet of bolster slabbing bearing area shall be outside the zone of center sill construction.

AAR-10. *Closures for manholes*.—Approved bolted type or bolted and hinged type, see Figs. 5 and 6, AAR specifications, or other approved type must be used.

AAR-13. (a) *Bottom discharge outlets*.—To provide for the attachment of standard unloading connections, the bottom of the main portion of the outlet valve chamber or some fixed attachment thereto, must have external U. S. F. threads four threads to the inch. The liquid-tight closure at its lower end must have corresponding female threads machined to give proper clearance.

(b) For outlet chambers that project 6 inches or more from shell of tank a V groove must be cut (not cast) in the upper part of the outlet valve chamber at a point immediately below lowest part of valve to a depth that will leave thickness of chamber wall at the root of the V not over  $\frac{3}{8}$  inch. Where outlet chamber is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(c) The flange on the outlet chamber must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the outlet chamber will occur at or below the V-groove.

(d) The valve must have no wings or stem projecting below the V-groove in the outlet castings, unless they are scored or designed to break or bend without unseating valve. The valve and seat must be readily accessible or removable for repairs, including grinding.

(e) The valve operating mechanism must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and should operate from the interior of the tank.

(f) In no case must extreme projection of bottom discharge outlet equipment extend to within 12 in. above top of rail. All bottom discharge outlet reducers and closures and their attachments must be secured to car by at least  $\frac{3}{8}$  in. steel chain or its equivalent, except that outlet closure plugs may be attached by  $\frac{1}{4}$  in. chain. When the bottom discharge outlet closure is of the combination cap and valve type, the pipe connection to the valve must be closed by a plug or cap.

AAR-14. *Safety valves*.—Safety valves must be of approved design. See Fig. 2, AAR specifications.

AAR-20. *Marking*.—For all other markings see Fig. 1, AAR specifications.

AAR-21. *Certificate of construction*.—For form of certificate of construction see section F, page 6, AAR specifications.

AAR-22. *Car structure*.—For car structure see section H, page 8, AAR specifications.

*It is further ordered*, That tank cars constructed under this order are hereby authorized for use on and after the date of approval and publication hereof, or until further order by the Commission;

*And it is further ordered*, That copies of this order be served upon all the respondents herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C.

Dated at Washington, D. C., this 5th day of November, 1937.  
By the Commission, Commissioner McManamy.

[SEAL]

W. P. BARTEL, Secretary.

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of November, A. D. 1937.

[File No. 34-9; 43-88]

## IN THE MATTER OF FEDERAL WATER SERVICE CORPORATION

## NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Federal Water Service Corporation, a registered holding company, pursuant to Rules 12E-4 and 12E-5 of this Commission under the Public Utility Holding Company Act of 1935 for a report by this Commission upon a plan of reorganization of Federal Water Service Corporation which involves a reclassification of its 15,296 shares of \$7 preferred stock outstanding, its 69,888 shares of \$6.50 preferred stock outstanding, its 71,706 shares of \$6 preferred stock outstanding, its 2,379 shares of \$4 preferred stock outstanding, its 468,775 shares of Class A stock outstanding and its 542,450 shares of Class B stock outstanding; and Federal Water Service Corporation having also filed with this Commission a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 for the issuance of shares of common stock, special stock and dividend arrears certificates necessary to carry out its reorganization plan;

*It is ordered,* That a hearing on such matter be held on December 7th, 1937, at 10:00 o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 3, 1937.

*It is further ordered,* That Charles S. Moore, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-3300; Filed, November 11, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of November, A. D. 1937.

[File No. 43-89]

## IN THE MATTER OF NEBRASKA NATURAL GAS COMPANY

## NOTICE OF AND ORDER FOR HEARING

A declaration having been duly filed with this Commission, by Nebraska Natural Gas Company, a subsidiary of North American Light & Power Company, a registered holding company, pursuant to Section 7 of the Public Utility Holding

Company Act of 1935, regarding the issue or sale of 6,700 shares of Common Stock of the par value of \$100 each and a 6% 10-Year Unsecured Promissory Note in the principal amount of \$850,000, said declaration stating that said securities are to be issued in exchange for and upon retirement of outstanding securities of the declarant;

*It is ordered,* That a hearing on such matter be held on December 1, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 24, 1937.

*It is further ordered,* That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-3298; Filed, November 11, 1937; 12:52 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of November, A. D. 1937.

[File No. 51-7]

## IN THE MATTER OF NEBRASKA NATURAL GAS COMPANY

## NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Nebraska Natural Gas Company, a subsidiary of North American Light & Power Company, a registered holding company, pursuant to Rule 12C-2 adopted pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935, for an order authorizing the applicant to declare and pay a dividend or dividends on its Common Stock out of capital or unearned surplus;

*It is ordered,* That a hearing on such matter be held on December 1, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceedings shall file a notice to that effect with the Commission on or before November 24, 1937.

*It is further ordered,* That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and re-

quire the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-3299; Filed, November 11, 1937; 12:52 p. m.]

*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of November, A. D. 1937.

[File No. 32-73]

IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application having been duly filed with this Commission, by Potomac Electric Power Company, a subsidiary of The North American Company, a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of section 6 (a) of said Act of the issue and sale by the applicant of an aggregate principal amount of \$5,000,000 of its First Mortgage Bonds, 3½ % Series due 1966, it being stated in said application that the issue and sale of said securities are solely for the purpose of financing the business of the applicant, that the proceeds of the issue and sale of said securities will be used for the purpose of reimbursing the applicant's treasury for expenditures made by it for capital assets and for

working capital, and that the applicant is applying to the Public Utilities Commission of the District of Columbia for the authorization by said Commission of such issue and sale, the applicant being organized and doing business in the District of Columbia;

*It is ordered*, That a hearing on such matter be held on November 26, 1937, at ten o'clock in the forenoon of that day at Room 1103, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

Notice of such hearing is hereby given to said party and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 20, 1937.

*It is further ordered*, That Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-3301; Filed, November 11, 1937; 12:52 p. m.]

